

IN THE COURT OF ZAHIR KHAN
Civil Judge-I, Kalaya, Orakzai

Suit No.....76/1 of 2022.

Date of Institution.....01.08.2022.

Date of Decision.....23.08.2022.

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Qamar Gula W/O Shana Gul R/O Qoum Sheikhan, Tappa Bazid Khel,
Village Rangeen Khel, Tehsil Central, District Orakzai.

.....(*Plaintiff*)

Versus

1. Chairman NADRA, Islamabad.
2. Director General NADRA, Khyber Pakhtunkhwa, Hayatabad.
3. Assistant Director NADRA, District Orakzai.

..... (*Defendants*)

SUIT FOR DECLARATION & PERMANENT JUNCTION

JUDGEMENT

23.08.2022

Through this judgement, I am going to dispose of the instant suit filed by plaintiff namely Qamar Gula against defendants Chairman NADRA, Islamabad etc for declaration and permanent injunction.

Brief facts in the backdrop are that plaintiff has filed the instant suit for declaration cum-permanent injunction to the effect that correct husband's name of plaintiff is **Shana Gul** whereas defendants have incorrectly and wrongly entered the same as **Khana Gul** which is wrong, illegal and ineffective upon the rights of plaintiff and liable to



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be rectified. That defendants were asked time and again to do the needful but in vain, hence the present suit.

After institution of the suit, defendants were summoned, who marked their attendance through representative and contested the suit by filing authority letter and written statement.

From divergent pleadings of the parties, the following issues were framed for adjudication of real controversy between the parties. The controversial pleadings of the parties were reduced into the following issues:

ISSUES

1. Whether plaintiff has got cause of action? OPP
2. Whether correct husband's name of plaintiff is Shana Gul instead of Khana Gul? OPP
3. Whether plaintiff is entitled to the decree as prayed for? OPP
4. Relief.

Upon submission of list of witnesses, both the parties on

being provided with an opportunity to adduce their desired evidence,

the parties produced their respective evidence.

After the completion of evidence, arguments of the learned

counsel for the parties were heard and record of the case file was gone through with their valuable assistance.



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The above discussion boils down to my following issue-wise findings.

ISSUE NO.02:

Burden of proof was on plaintiff to prove that her correct husband's name is Shana Gul instead of Khana Gul.

Shana Gul, husband and as special attorney of plaintiff appeared and recorded his statement as PW-01. Copy of his CNIC and special power of attorney are Ex. PW-1/1 and Ex. PW-1/2. Photocopy of CNIC of his wife/plaintiff is Ex-PW 1/3. He reiterated the averments of plaintiff and lastly requested for decree of suit.

Shakir Ullah, son in law of plaintiff appeared and deposed as PW-02. He supported claim of plaintiff. Photocopy of his CNIC is Ex-PW 2/1.

Thereafter, evidence of plaintiff was closed.

Syed Farhat Abbas (Representative of NADRA, Orakzai) appeared as DW-01. He stated that plaintiff has been issued CNIC as per information provided by plaintiff and that she has got no cause of action and lastly requested for dismissal of suit.

Evidence of defendants was closed.

Claim of plaintiff is that correct name of husband is Shana Gul, however; the defendants have incorrectly entered the same as Khana Gul in the record which is wrong, illegal and ineffective upon the rights of plaintiff and liable to be rectified. Plaintiff produced



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reliable documentary evidence in shape of Ex. PW-1/1 in support of her claim and contention. Oral evidence produced by plaintiff is also supportive to the averments of plaintiff. DW-01 in his cross examination stated that per NADRA record, parentage of children of plaintiff is recorded as Shana Gul (Father) and Qamar Gula (Mother).

Keeping in view the above discussion, documentary as well as oral evidence available on file and admission of DW-01, it is held that correct husband's name of plaintiff is Shana Gul instead of Khana Gul. Issue decided in favor of plaintiff and against the defendants.

ISSUES NO.1 & 4.

In the light of foregoing discussion, plaintiff has proved her stance through cogent, convincing and reliable documentary and oral evidence, therefore, she has got cause of action and is entitled to the decree, as prayed for. Both these issues are decided in positive in favor of plaintiff.

RELIEF:

Crux of my issue wise discussion is that suit of the plaintiff is hereby decreed in her favor against the defendants as prayed for. No order as to cost. This decree shall not affect the rights of other persons interested, if any.

File be consigned to record room after its necessary completion and compilation.

ANNOUNCED
23.08.2022

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CERTIFICATE

It is certified that this judgment consists of 05 pages. Each page has been dictated, read, corrected and signed by me.



Zahir Khan
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